SN

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,145	09/12/2003	Jeffrey George	60518-162	7734

27305 7590 01/25/2005

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304-5151

EXAMINER	
CHERUBIN, YVESTE GILBERTE	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/661,145	GEORGE, JEFFREY	
	Examiner	Art Unit	
	Yveste G. Cherubin	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *January 16, 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the US Application No. 1/661,145 filed September 12, 2003. Claims 1-60 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-60 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over:

a. Claims 1-73 of copending Application No. 10/661,129,

b. Claims 1-105 of co-pending Application No. 10/661,133

c. Claims 1-58 of co-pending Application No. 10/661,392

d. Claims 1-65 of copending Application No. 10/661,140

e. Claims 1-49 of co-pending Application No. 10/661,233

f. Claims 1-79 of copending Application No. 10/661,391,

g. Claims 1-88 of co-pending Application No. 10/661,395

h. Claims 1-69 of co-pending Application No. 10/661,131

Although the conflicting claims are not identical, they are not patentably distinct from each other because similarly they all teach a remote system for use with a gaming system, the remote system comprising wireless connection, a processor, a web client, etc....

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Paulsen et al. by Paulsen et al. (US Patent No. 6,712,698).

Claims 1-7, 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen Regarding claims 1-7, 32-37, Paulsen discloses a gaming system comprising a host computer coupled to a remote terminal or a remote computer, said remote computer being connected to the host computer via a network such as the Internet, for exchanging data between the host and the remote computer, 29:15-30. Paulsen further

discloses gaming machines utilizing audio components such as music, sounds and graphics to issue alert, 1:34-47, 15:19-29. Paulsen discloses using wireless connection such as IEEE 802.11 standard, IEEE 802.11b, IEEE 802.11 g to couple the remote device to the remote network interface, 3:43-60, 11:35-63.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-31, 38-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen et al. (US Patent No. 6,712,698).

The disclosure of Paulsen has been discussed above and is therefore incorporated herein. Regarding claims 8-31, 38-60 Paulsen discloses providing data including a form, as shown in Fig 3E, but lacks in disclosing an alert form. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such feature since it has been held that the provision of suitability, where needed, involves only routine skill in the art. Such feature would heighten player's interest and/or draw patron's attention, 1:33-46. Paulsen discloses providing web interface allowing view of web pages, for interaction with a user and further discloses acquiring input from users, formatting and presenting data to users, 4:39-47, 6:17-25. Paulsen

discloses allowing access to certain information to users according to user's roles, 30:61-67, 31:1-2. Paulsen discloses providing an audio layout in each interface and including a button for selecting by the user to send alert notification, 7:19-30. Paulsen further discloses checking for information validation and displaying messages to users according to received information, 32:8-12. Paulsen further discloses providing an alert button, 15:15-30 but lacks in disclosing the alert button being a refresh button. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the provided button of Paulsen as a refresh button, since it has been held that the provision of suitability, where needed, involves only routine skill in the art. Paulsen discloses tracking time, date, location of events and further discloses displaying text to describe messages, 32:8-12.

Prior Art citations

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO Form-892.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (571) 272-4434. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Xuan can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ygc